

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

January , 2011

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON
AS FOLLOWS:

That the Zoning regulations, Chapter 30 of the Revised Ordinances of Newton,
Massachusetts, 2007, as amended, be and are hereby further amended as follows:

A. The following amendments 1 through 6 below shall become effective on October 15, 2011:

1. Add the following definitions to Section 30-1:

Carport: A one-story roofed structure permanently open on at least three sides and designed for or used for occupancy by a motor vehicle. For the purposes of this ordinance, a one-story port-cochere meets the definition of a carport.

Mass below first story: For the purposes of calculating gross floor area, any cellar, crawl space, basement, or other enclosed area lying directly below a first story in a residential structure.

Porch: A roofed structure with sides not more than sixty percent (60%) enclosed by impermeable walls, attached to and accessible from the primary structure, and not heated or air conditioned. A porch may share no more than two exterior walls with the residential structure. Railings or solid walls on the projecting facades of the porch may be no higher than 36" as measured from the finished porch floor; the remainder of these facades may be open to the elements or enclosed by mesh, glass, or similar material.

Porch, enclosed: A porch enclosed for any portion of the year by any nonpermeable material such as glass or a similar material.

Porch, unenclosed: A porch that at all times is either enclosed by permeable materials such as mesh or similar material or is unenclosed by any material.

2. Delete, in paragraph (a) of the definition of “*Floor area ratio*” in section 30-1 Definitions, the words “a building” and insert in place thereof the words “all buildings.”

3. Delete, in its entirety, paragraph (a) of the definition of “*Floor area, gross*” in section 30-1, and insert in place thereof the following language:

“Floor area, gross:

(a) For residential structures and buildings accessory to residential structures in residential districts, the sum of the floor area of all principal and accessory buildings whether or not habitable, except as excluded below. Floor area measurements shall be taken from the exterior face of the exterior walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this section.

a. Gross floor area shall include:

- i. First and second stories;
- ii. Any floor area above the second story, whether finished or unfinished, that meets all of the following criteria:
 1. It lies below the area of a horizontal plane that is five (5) feet above it and which touches the side walls and/or the underside of the roof rafters;
 2. Is at least seven (7) feet in any horizontal dimension, as measured within the area having a wall height of five feet or more;
 3. Has a minimum ceiling height of seven (7) feet on at least 50 percent of its required floor area; and
 4. Has a floor area of not less than 70 square feet as measured within the area having a wall height of five feet or more.
- iii. Atria, open wells, and other vertical open spaces, where floor area shall be calculated by multiplying the floor level area of such space by a factor equal to the average height in feet divided by ten (10);
- iv. Enclosed porches;
- v. Attached garages;
- vi. Detached garages and any space above the first story of a detached garage that has a ceiling height of 7' or greater;
- vii. Other detached accessory buildings, such as sheds or cabanas, except as exempted in (b)(iii) below.
- viii. A portion of mass below the first story, to be calculated as follows:

The lesser of 50% of the floor area of mass below first story OR
the following: $X/Y \times \text{floor area of mass below first story}$

Where:

X = Sum of the width of those sections of exposed walls below the first story having an exterior height equal to or greater than four (4) feet as measured from existing or proposed grade, whichever is lower, to the top of the subfloor of the first story

Y = Perimeter of exterior walls below first story

b. Gross floor area shall not include:

- i. Unenclosed porches;
- ii. Carports; and
- iii. One detached accessory building equal to or less than 120 square feet in size.”

4. Delete, in its entirety, paragraph (u) of section 30-15 and insert in place thereof the following language and Table:

“(u) The floor area ratio (FAR) shall apply to all one and two family structures, whether new or existing, according to the FAR limits contained in Table A below. The following exceptions shall apply:

1. For construction on lots created before 12/7/1953, an additional increase in FAR of .02 above the amount shown in Table A shall be allowed, provided that new construction proposed using additional FAR granted under this paragraph shall comply with setback requirements for post-1953 lots. Any increase in FAR granted through this section may not create or increase nonconformities with respect to lot coverage or open space and may not be used in conjunction with section 30-21(c).
2. An increased FAR may be allowed by special permit if the proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.”

TABLE A: FAR FOR SINGLE AND TWO FAMILY STRUCTURES IN RESIDENTIAL DISTRICTS

Lot Size Category	SR1	SR2	SR3
Less than or equal to 4,999 square feet	Maximum FAR=.46	Maximum FAR=.46	Maximum FAR=.48
5,000 to 6,999 square feet	<i>Maximum FAR ranges from .46 to .43 depending on lot size.</i> Maximum FAR=	<i>Maximum FAR ranges from .46 to .43 depending on lot size.</i> Maximum FAR=	Maximum FAR=.48

	.46 – [.000015* (lot size-5000)]	.46 – [.000015* (lot size-5000)]	
7,000 to 9,999 square feet	<p><i>Maximum FAR ranges from .43 to .33 depending on lot size.</i></p> <p>Maximum FAR = .43 – [.000033* (lot size-7000)]</p>	<p><i>Maximum FAR ranges from .43 to .38 depending on lot size.</i></p> <p>Maximum FAR = .43 – [.000017* (lot size-7000)]</p>	<p><i>Maximum FAR ranges from .48 to .41 depending on lot size.</i></p> <p>Maximum FAR = .48 – [.000023* (lot size-7000)]</p>
10,000 to 14,999 square feet	<p><i>Maximum FAR ranges from .33 to .31 depending on lot size.</i></p> <p>Maximum FAR = .33 – [.000004* (lot size-10000)]</p>	<p><i>Maximum FAR ranges from .38 to .33 depending on lot size.</i></p> <p>Maximum FAR = .38 – [.000010* (lot size-10000)]</p>	<p><i>Maximum FAR ranges from .41 to .38 depending on lot size.</i></p> <p>Maximum FAR = .41 – [.000006* (lot size-10000)]</p>
15,000 to 19,999 square feet	<p><i>Maximum FAR ranges from .31 to .28 depending on lot size.</i></p> <p>Maximum FAR = .31 – [.000006* (lot size-15000)]</p>	Maximum FAR = .33	Maximum FAR = .38
20,000 to 24,999 square feet	<p><i>Maximum FAR ranges from .28 to .26 depending on lot size.</i></p> <p>Maximum FAR = .28 – [.000004* (lot size-20000)]</p>	Maximum FAR = .33	<p><i>Maximum FAR ranges from .38 to .36 depending on lot size.</i></p> <p>Maximum FAR = .38 – [.000004* (lot size-20000)]</p>
25,000 square feet or more	Maximum FAR = .26	Maximum FAR = .33	Maximum FAR = .36

Lot Size Category	MR1	MR2/MR3
Less than or equal to 4,999	Maximum FAR =	Maximum FAR =

square feet	.58	.58
5,000 to 6,999 square feet	<p><i>Maximum FAR ranges from .58 to .53 depending on lot size.</i></p> <p>Maximum FAR = $.58 - [.000025 * (\text{lot size} - 5000)]$</p>	<p><i>Maximum FAR ranges from .58 to .53 depending on lot size.</i></p> <p>Maximum FAR = $.58 - [.000025 * (\text{lot size} - 5000)]$</p>
7,000 to 9,999 square feet	<p><i>Maximum FAR ranges from .53 to .48 depending on lot size.</i></p> <p>Maximum FAR = $.53 - [.000017 * (\text{lot size} - 7000)]$</p>	Maximum FAR = .53
10,000 to 14,999 square feet	Maximum FAR = .48	<p><i>Maximum FAR ranges from .53 to .43 depending on lot size.</i></p> <p>Maximum FAR = $.53 - [.000020 * (\text{lot size} - 10000)]$</p>
15,000 to 19,999 square feet	<p><i>Maximum FAR ranges from .48 to .43 depending on lot size.</i></p> <p>Maximum FAR = $.48 - [.000010 * (\text{lot size} - 15000)]$</p>	<p><i>Maximum FAR ranges from .43 to .38 depending on lot size.</i></p> <p>Maximum FAR = $.43 - [.000010 * (\text{lot size} - 15000)]$</p>
20,000 to 24,999 square feet	<p><i>Maximum FAR ranges from .43 to .38 depending on lot size.</i></p> <p>Maximum FAR = $.43 - [.000010 * (\text{lot size} - 20000)]$</p>	Maximum FAR = .38

25,000 square feet or more	Maximum FAR = .38	Maximum FAR = .38

5. Delete, in Sec. 30-15 Table 1, all numbers listed under the TOTAL FLOOR AREA RATIO column for the following zoning districts: Single Residence I; Single Residence 2; Single Residence 3; Multi-Residence 1; Multi-Residence 2; Multi-Residence 3, excepting the number for the category of Residential Care Facility; and Multi-Residence 4, excepting the number for the category of Residential Care Facility; and add a cross reference to Sec. 30-15(u) Table A for determining FAR for single and two-family dwellings in these districts.

6. Delete, in clause (5) of subsection 30-21(c), as inserted by Ordinance Z-51, the words “section 30-15 Table 1” and insert in place thereof the words “section 30-15(u) Table A”; and delete the second reference to Table 1 in said clause (5) and insert in place thereof the words “Table A.”

B. The following amendment (7) shall become effective upon passage:

7. In subsection 30-15(u), as most recently amended by Ordinance Z-72, delete in the last sentences of paragraph numbers 1, 2, and 3, the words “February 28, 2011,” and substitute in place thereof the words “October 15, 2011.”

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

